

U.S. Department of Agriculture
Animal and Plant Health Inspection Service

DRAFT DISCUSSION PAPER

REGULATED NON-QUARANTINE PESTS

This discussion paper borrows ideas and perceptions about regulated non-quarantine pests from other international organizations, such as EPPO and the IPPC Secretariat, and summarizes those points that appear to agree with the USDA's evolving definition and application of the concept.

INTRODUCTION

In the latest IPPC revision, the concept of “regulated non-quarantine pest” was introduced. Regulated non-quarantine pests (RNQP) are now included with quarantine pests in the definition of regulated pests. Countries will now be obligated under IPPC to publish a list of RNQP's. There is a need to better define this term at the international level.

September 29, 1999

DEFINITIONS

-Established Definitions

Regulated Non-quarantine Pest (FAO):

A non-quarantine pest whose presence in plants or planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within the territory of the importing contracting party.

Quarantine Pest (FAO):

A pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled.

-Terms within established definition that need further clarification:

“intended use” The final end use of the product determines whether or not a pest becomes a RNQP. Changing the intended use of the product could change the status of the RNQP. According to IPPC, only regulated pests are subject to phytosanitary measures, so if the intended use is changed, that would change the pest to a non-regulated pest and it would not be subject to phytosanitary measures.

“economically unacceptable impact” As it differs from a quarantine pest, the presence or absence of the pest is not the concern, it is its impact in relation to intended use. This term becomes very subjective as to which contracting party makes the determination on what is

“unacceptable”. Does the importing country have the sovereign right to autonomously make that determination?

“regulated” vs. “official control” For making a distinction from quarantine pests, it is important to define the difference between “being officially controlled” and “regulated”. Does this term apply to actual existing regulations or laws or can a contracting party create a new regulation to address a RNQP? Does this refer to national regulations or can it include state, county, or other administrative units? Are these two terms essentially the same? If one is defined the other will be covered?

DISCUSSION

The following chart from EPPO shows the differences between a quarantine pest and a regulated non-quarantine pest:

Quarantine Pest	Regulated Non-quarantine Pest
On any import	
Long term impact or establishment	
Absent or limited distribution	
<u>May be</u> already regulated internally	Only on consignments of plants for planting
Has an impact on the further use of the consignment	
May be widely distributed	
<u>Is</u> already regulated internally	

Areas of Agreement

Taking concepts from previous discussion papers and drawing logical conclusions from the definitions of a RNQP and quarantine pests, several characteristics of a RNQP can be summarized that can be used as a basis for discussion, as follows:

RNQP's are limited by definition to pests associated with plants for planting.

RNQP's differ from quarantine pests in that they are not “being officially controlled” but are “therefore regulated within the territory of the importing contracting party”.

RNQP's are covered by an existing regulation or by a compulsory certification scheme where their inclusion should be technically justified.

Direct economic impacts on the intended use of plants for planting are deemed to be

legitimate factors for a RNQP.

RNQP's should not be pests that would be likely to infest the plants at any time after planting. (i.e. the pests are spread via propagation)

RNQP's must be defined in relation to one or more particular plant species, so that a particular pest can be both a RNQP for one or more host species and not regulated for other host species.

A tolerance above zero may be accepted. (This concept is supported by the National Grain and Feed Association)

The assessment of the potential pest risk rests primarily on the consequences of the pest exceeding a specified threshold.

Questions for Detailed Discussions

What is the difference between a "quality pest" and a RNQP?

Based on a RNQP detection, once a regulatory action has been determined for an imported commodity with a specific intended use, can the importer change the intended use and therefore change the regulatory action or decision?

Define "intended use", "economically unacceptable impact" and "regulated" vs. "officially controlled"